

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EARLE E. AUSHERMAN, et al. *

Plaintiffs *

vs. * CIVIL ACTION NO. MJG-01-438

BANK OF AMERICA CORPORATION, *
et al.
Defendants *

* * * * *

ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION
AFTER CONSIDERING OBJECTIONS

This Order is issued upon consideration of the Memorandum of the United States Magistrate Judge dated November 14, 2002 [Paper No. 208], the objections thereto, and after a de novo review of the entire pertinent record.

The Magistrate Judge has made an award of legal fees of \$3,000 against Plaintiffs for failure to comply with a direct Order to provide individually signed and verified answers to interrogatories. Plaintiffs' objection, is based upon Plaintiff's counsel's alleged reliance upon the inapposite decision in McCullom v. McDaniel, 136 F.Supp.2d 472,475 (D.Md. 2001) aff'd, 2002 WL 451789 (4th Cir. 2002)(Unpublished disposition).

The Court assumes, without deciding, that Plaintiffs have not waived their right to object to the aforesaid Memorandum Order of the Magistrate Judge. Nevertheless, the Court agrees

fully with the Magistrate Judge. It was critical to the subject Magistrate Judge's Order, in the context of the instant case, that Plaintiffs individually sign and verify their answers to interrogatories. In other contexts, such as the unusual circumstances presented in McCullom, there may be no prohibition against counsel's signing a client's name. Nevertheless, in the instant case - as was made pellucidly clear by the Magistrate Judge - counsel knew (or manifestly should have known) that he could not properly sign for the Plaintiffs.

For the foregoing reasons, the said Magistrate Judge's Letter Order of November 14, 2002 [Paper No. 208] is hereby AFFIRMED and ADOPTED as follows:

1. Plaintiffs shall pay fees of \$3,000 to Defendants as provided in the Letter Order of November 14, 2002 [Paper No. 208].
2. Said amount shall be paid by April 21, 2003.

SO ORDERED, on Tuesday, 18 March, 2003.

/ s /

Marvin J. Garbis
United States District Judge